

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BOGOTA NIACT IMMEDIATE

INFO AMEMBASSY PANAMA IMMEDIATE

C O N F I D E N T I A L STATE 064169

STADIS//////////

EXDIS

E.O. 11652: GDS

TAGS: PBOR, PN, CO

SUBJECT: EFFECT OF PANAMA CANAL TREATIES ON 1914
THOMPSON-URRUTIA TREATY

REF: BOGOTA 02335

1. BOTH PROPOSED NOTES IN REFTEL ARE UNACCEPTABLE. THESE
NOTES, AND ALL PRIOR DRAFTS SUBMITTED BY GOC WOULD HAVE THE
EFFECT OF MAKING U.S. GUARANTOR OF GOC RIGHTS AGAINST
PANAMA. UNDER BOTH NOTES, COLOMBIA'S TRANSIT RIGHTS
AGAINST U.S. WOULD CONTINUE UNLESS AND UNTIL A COLOMBIA-
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PANAMNIAN AGREEMENT IS REACHED. WE HAVE TAKEN POSITION
THAT COLOMBIA'S RIGHTS UNDER 1914 TREATY WILL BE EXTIN-
GUISHED WHEN U.S. CEASES TO OPERATE CANAL. EFFECT OF SUCH
A COMMITMENT WOULD BE THAT, ALTHOUGH ART. VI(2) OF NEU-
TRALITY TREATY SAYS PANAMA MAY EXTEND RIGHTS TO COLOMBIA,
U.S. WOULD GUARANTEE THAT, IF PANAMA DID NOT DO SO, U.S-
WOULD BE OBLIGED TO CONTINUE COLOMBIA'S RIGHTS OF TRANSIT.

ANY UNDERTAKING BY U.S. AT THIS TIME WHICH COULD BE SO CON-
STRUED WOULD HAVE ADVERSE POLITICAL CONSEQUENCES.

2. REQUEST AMBASSADOR APPROACH LIEVANO DIRECTLY ON
FOLLOWING BASIS: RESPOND INITIALLY TO GOC PROPOSALS BY
STATING THAT NOTES, AS PROPOSED, ARE UNACCEPTABLE BUT THAT
DEPARTMENT BELIEVES MUTUALLY ACCEPTABLE FORMULA CAN BE
FOUND. IF, AS MUST BE ANTICIPATED, LIEVANO CONTINUES TO
PRESS FOR PROMPT EXECUTION OF NOTE, FOLLOWING COUNTER
PROPOSALS MAY BE OFFERED:

A) GOC NOTE CONTAINED IN REFTEL PARA 3 MODIFIED SO AS TO
DELETE PARA C OF NOTE AND TO REWORD FINAL PARA OF NOTE
AS FOLLOWS: "MY GOVERNMENT UNDERSTANDS THAT IN AGREEMENT
WITH THE JOINT DECLARATION CITED, THE REPUBLIC OF COLOMBIA
WILL CONTINUE EXERCISING IN THE PANAMA CANAL THE FOLLOWING
RIGHTS" RIGHTS ENUMERATED IN 1 AND 2 WOULD REMAIN UN-
CHANGED.

B) NOTE PROPOSED IN REFTEL PARA 4 REWORDED TO READ: "I
HAVE THE HONOR TO INFORM YOUR EXCELLENCY THAT THE
POSITION OF MY GOVERNMENT IS THAT, IN ACCORDANCE WITH THE
TERMS OF THE TREATY CONCERNING THE PERMANENT NEUTRALITY
AND OPERATION OF THE PANAMA CANAL AND THOSE OF THE JOINT
DECLARATION SIGNED MARCH 24, 1975, IN PANAMA CITY, THE
REPUBLIC OF COLOMBIA WILL CONTINUE TO EXERCISE THE
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FOLLOWING RIGHTS IN REGARD TO INTEROCEANIC PASSAGE:"
RIGHTS ENUMERATED IN 1 AND 2 WOULD REMAIN UNCHANGED.

C) A U.S. NOTE IN THE FOLLOWING FORM: "I HAVE THE HONOR
TO INFORM YOUR EXCELLENCY THAT THE POSITION OF MY GOVERN-
MENT IS THAT, NOTWITHSTANDING THE ENTRY INTO FORCE OF THE
PANAMA CANAL TREATY OF 1977 AND THE TREATY CONCERNING
THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA
CANAL, THE THOMPSON-URRUTIA TREATY REMAINS IN FORCE BE-
TWEEN OUR TWO COUNTRIES."

3. NONE OF THE SUGGESTED NOTES STATES THAT OUR OBLIGATIONS
UNDER THE 1914 TREATY TERMINATE IN 1999. THIS QUESTION IS
LEFT TO BE DETERMINED BY THE TERMS OF THAT TREATY. ON
THE OTHER HAND, THESE NOTES DO NOT IMPLY A COMMITMENT
BY U.S. TO CONTINUE COLOMBIA'S RIGHTS UNTIL THEY ARE
SECURED IN A PANAMANIAN-COLOMBIAN AGREEMENT, REGARDLESS
OF WHETHER THOSE RIGHTS WOULD OTHERWISE LAPSE IN 1999.
IF GOC REJECTS THESE PROPOSED NOTES BECAUSE THEY DO NOT
CONTAIN THE LATTER COMMITMENT, IT SHOULD BE INFORMED THAT
U.S. IS UNABLE TO SIGN NOTE WHICH IMPLIES SUCH A COMMIT-
MENT.

4. YOU ARE AUTHORIZED TO COMMENT THAT ANY ACTIONS WHICH
COULD BE CONSTRUED AS INTERFEREING WITH TREATY RATIFICATION
PROCESS WOULD OBVIOUSLY RUN COUNTER TO THE STRONG SUPPORT

COLOMBIA AND THE REST OF THE HEMISPHERE HAVE GIVEN THE
TREATIES, AND WOULD UNDERMINE U.S.-COLOMBIAN RELATIONS. VANCE

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